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20333 SH 249  
SUITE 600  
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**AUG 23 2002**

**OFFICE OF PETITIONS**

In re Application of :  
James Kleinsteinber, :  
Richard L. Hammons, :  
Dilip Gunawardena, and :  
Shankar Balasubramanian :  
Application No. 10/062,853 :  
Filed: January 31, 2002 :  
Attorney Docket No. 112-0019US :  
Title: Node and Port Authentication: :  
in a Fibre Channel Network :

DECISION ACCORDING STATUS  
UNDER 37 C.F.R. §1.47(a)

This is in response to the petition, filed June 6, 2002  
(certificate of mailing May 28, 2002), under 37 CFR 1.47(a).

The petition is **GRANTED**.

The above-identified application was filed on January 31, 2002, without an executed oath or declaration. James Kleinsteinber, Richard L. Hammons, Dilip Gunawardena, and Shankar Balasubramanian were named as joint inventors. Accordingly, on February 28, 2002, applicants were mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," requiring an executed oath or declaration, and the surcharge under §1.16(e) for late filing. This Notice set a two-month period for reply with extensions of time obtainable under §1.136(a).

In reply, rule 47 applicants filed the instant petition, paid both the petition fee (\$130) and the surcharge under §1.16(e) (\$130), and submitted a petition for a one-month extension of time to make the reply timely. Applicants assert that status under §1.47 is proper because inventor Gunawardena refuses to join in the application. In support thereof, applicants submitted *inter alia* a declaration of patent attorney Louis Brucculeri with documentary evidence of the presentation of the application papers for signature to inventor Gunawardena.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor(s).

By declaration of Louis Brucculeri and supporting documentary evidence, applicants have shown that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor, and that inventor Gunawardena has refused to join in the application. Accompanying the petition is a declaration executed by joint inventors Kleinsteinber, Hammons, and Balasubramanian on behalf of themselves and on behalf of non-signing inventor Gunawardena. Moreover, the petition submitted included the petition fee and a statement of the last known address of inventor Gunawardena.

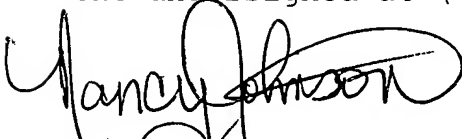
This declaration filed June 6, 2002 has been reviewed and found in compliance with \$1.63. The petition likewise is in compliance with \$1.47.

In view thereof, this application is hereby accorded Rule 1.47(a) status.

As provided in new Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being forwarded to Technology Center 2131 for examination.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0309.



Nancy Johnson  
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Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy